Remarks/Arguments

A. Pending Claims

Claims 1-153 have been rejected. Claims 81, 82, 90, 95, 105, 106, 115, 120, 130, 131, 139 and 144 have been amended. Claims 92, 104, 117, 129, 141, and 153 have been cancelled without prejudice. Claims 1-91, 93-103, 105-116, 118-128, 130-140, and 142-152 are pending in the case.

B. Examiner Interview

A telephonic interview was conducted on September 1, 2005 between Examiner Colbert and Chris Thompson, a colleague of the undersigned. The rejections of claim 90 under 35 U.S.C. § 112 and the rejections of claims 81, 82, 90, and 91 under 35 U.S.C. §103(a) over Keiser in view of Gutterman were discussed. No agreement was reached concerning the rejections. Applicant sincerely appreciates Examiner's Colbert time in discussing the case.

C. The Claims Are Definite Pursuant To 35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 90 under 35 U.S.C. § 112, second paragraph. The Office Action states:

> It is unclear whether Applicants' have an order placement window and an order preferences window. Do Applicants' have two separate windows or is there one window for placing the order and for the order preferences?

Applicant has amended claim 81 to include certain features of claim 90. Amended claim 81 describes:

> presenting an order placement window to the user;
> prompting the user to enter an identifier for the security to be traded;
> automatically presenting in the order placement window at least one order
>   preference previously defined by the user, wherein if no security-
>   specific order preferences have been previously defined by the user

> for the security to be traded, the order preferences presented
> comprise the at least one generic security order preference

Applicant notes that amended claim 81 describes only one window: an "order placement window". Nevertheless, Applicant submits that amended claim 81 does not preclude a method involving two separate windows, e.g., an order preferences window and an order placement window. Claim 82, for example, which is dependent from claim 81, recites "wherein receiving input from a user comprising at least one generic security order preference comprises presenting a generic security order preferences window to the user." Claim 90 has been amended to recite: "wherein prompting the user to enter an identifier for the security to be traded comprises prompting the user to enter a security symbol of the security to be traded." Applicant submits that the claims are definite under 35 U.S.C. §112, second paragraph. Applicant respectfully requests the removal of the rejection on these grounds.

C. The Claims Are Not Obvious Over Keiser in View of Gutterman Pursuant To 35 U.S.C. §103(a)

The Examiner rejected of claims 81-153 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,505,174 granted to Keiser et al. (hereinafter "Keiser") in view of U.S. Patent No. 5,297,031 granted to Gutterman et al. (hereinafter "Gutterman"). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.,* 379 F.2d 1011, 154 USPQ 173, 177-178 (CCPA 1967). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974), MPEP § 2143.03.

Applicant has amended claim 81 to describe a combination of features including:

> receiving input from a user, the input comprising at least one generic security
> order preference for the user for securities for which a security-specific
> order preference has not been defined;

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Amended claim 81 further describes:

> automatically presenting in the order placement window at least one order
> preference previously defined by the user, wherein if no security-
> specific order preferences have been previously defined by the user
> for the security to be traded, the order preferences presented
> comprise the at least one generic security order preference

Support for the amendments to claim 81 may be found in Applicant's specification at least on page 8, lines 1-9; page 9, line 25 to page 10, line 25; page 26, lines 3-21; and FIGS. 4, 6, and 7. Amended claim 81 is directed to a method in which input is received from a user including a generic security order preference for the user. The generic security order preference is presented to the user during order placement if the user has not defined a security-specific order preference for the security to be traded. Keiser and Gutterman do not appear to teach or suggest the above-quoted features of claim 81, in combination with the other features of the claim.

The Office Action takes the position the Keiser teaches receiving input comprising at least one generic security order preference (citing col. 2, lines 57-60). Keiser discloses allowing a user to trade security instruments by typing in a symbol for the instrument and quantity in a "buy-sell" area of a page (Keiser, col. 2, lines 57-60). Keiser appears to disclose a user entering a symbol and quantity for a particular trade. Keiser does not teach or suggest receiving input from a user comprising a generic security order preference for the user for securities for which a security-specific order preference has not been defined, and presenting in the order placement window order preferences previously defined by the user, wherein if no security-specific order preferences have been previously defined by the user for the security to be traded, the order preferences presented include the generic security order preference.

Amended claim 81 further recites:

> submitting the order for execution, wherein submitting the order
> comprises:
> > for values that are adjusted by the user, using the adjusted values
> > for executing the order;

for values that are not adjusted by the user and for which security-specific order preferences have been specified for the security to be traded, automatically using the security-specific order preferences as default values for executing the order; and

for values that are not adjusted by the user and for which security-specific order preferences have not been specified for the security to be traded, automatically using the at least one stored generic security order preference as default values for executing the order.

Amended claim 81 is directed to a method including submitting orders for execution using a user's previously specified order preferences. If the user has specified a security-specific order preference for the security to be traded and the user does not adjust the value, the security-specific order preference is used to execute the order. If the user has not specified a security-specific order preference for the security to be traded and the user does not adjust the value, a generic order preference previously specified by the user is used to execute the order. Keiser and Gutterman do not appear to teach or suggest the above-quoted features of claim 81, in combination with the other features of the claim.

The Office Action acknowledges that Keiser fails to teach automatically using at least one stored generic security order preference as a default value in response to a user placing an order for at least one security for which a security-specific order preference has not been defined. Nevertheless, the Office Action takes the position that Gutterman discloses this feature (citing col. 4, lines 32-53). Applicant respectfully disagrees with this position. The cited portion of Gutterman describes "alternative orders", in which a trader instructs a broker to buy or sell a particular security at one of two prices (e.g., "sell the oil either at 14.95 or 14.25 stop cents, whichever occurs first"), and "scale orders", in which a trader instructs a broker to buy or sell and specified increments until a number of contracts have been reached. Neither the alternative order nor scale order described in Gutterman teach or suggest submitting the order for execution using user adjusted values, automatically using security-specific order preferences as default values for values that are not adjusted by the user and for which security-specific order preferences have been specified for the security to be traded, and automatically using a generic security order

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preferences as <u>default value for values that are not adjusted by the user and for which security-specific order preferences have not been specified for the security to be traded</u>.

For at least the reasons set forth above, Applicant respectfully submits that claim 81 and the claims dependent thereon are patentable under 35 U.S.C. §103(a). Applicant respectfully requests the removal of the rejections on these grounds.

Amended claim 105 describes a combination of features including:

> receive input from a user, the input comprising at least one generic security order preference for the user for securities for which a security-specific order preference has not been defined

Amended claim 105 further describes:

> automatically present in the order placement window at least one order preference previously defined by the user, wherein if no security-specific order preferences have been previously defined by the user for the security to be traded, the order preferences presented comprise the at least one generic security order preference

Amended claim 105 further describes:

> submit the order for execution, wherein submitting the order comprises:
> > for values that are adjusted by the user, using the adjusted values for executing the order;
> > for values that are not adjusted by the user and for which security-specific order preferences have been specified for the security to be traded, automatically using the security-specific order preferences as default values for executing the order; and
> > for values that are not adjusted by the user and for which security-specific order preferences have not been specified for the security to be traded, automatically using the at least one stored generic security order preference as default values for executing the order.

For at least the reasons discussed in reference to claim 81, Applicant submits that the combination of the cited art does not appear to teach or suggest all of the features of Applicant's claim 105 and the claims dependent thereon.

Amended claim 130 describes a combination of features including:

> receiving input from a user, the input comprising at least one generic security order preference for the user for securities for which a security-specific order preference has not been defined;

Amended claim 130 further describes:

> automatically presenting in the order placement window at least one order preference previously defined by the user, wherein if no security-specific order preferences have been previously defined by the user for the security to be traded, the order preferences presented comprise the at least one generic security order preference.

Amended claim 130 further describes:

> submitting the order for execution, wherein submitting the order comprises:
>> for values that are adjusted by the user, using the adjusted values for executing the order;
>> for values that are not adjusted by the user and for which security-specific order preferences have been specified for the security to be traded, automatically using the security-specific order preferences as default values for executing the order; and
>> for values that are not adjusted by the user and for which security-specific order preferences have not been specified for the security to be traded, automatically using the at least one stored generic security order preference as default values for executing the order.

For at least the reasons discussed in reference to claim 81, Applicant submits that the combination of the cited art does not appear to teach or suggest all of the features of Applicant's claim 130 and the claims dependent thereon.

Applicant submits that many of the claims dependents on claims 81, 105, and 130 are separately patentable. For example, claim 82 recites "wherein receiving input from a user comprising at least one generic security order preference comprises presenting a generic security order preferences window to the user, wherein the generic security order preferences window comprises one or more user interface elements that allow the user to specify at least one generic security order preference for securities for which a security-specific order preference has not been

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defined." Keiser and Gutterman do not appear to teach or suggest at least this feature of claim 82, in combination with the other features of the claim.

D. Additional Comments

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

Applicant hereby requests a two-month extension of time to file this document. If any additional extension of time is required, Applicant hereby requests the appropriate extension of time. A fee authorization is submitted herewith for the fees for the request for continued examination and the extension. If any fees have been omitted or if any additional fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5226-00600/EBM.

Respectfully submitted,

Mark R. Deluca
Reg. No. 44,649

Patent Agent for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

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